

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>TEMPORARY CASH ASSISTANCE MANUAL</b>	
<b>TIME LIMITS 313</b>	<b>COMAR 07.03.03.20</b>	<b>TECHNICAL ELIGIBILITY 300</b>

### 313.1 Requirements

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) limits benefits funded by Temporary Assistance to Needy Families (TANF) to 60 months. The State may temporarily exempt a family from the application of the 60 month rule because of a hardship. Do not pay TCA for an adult parent who has received 60 months of benefits under TCA (here or in another state), unless they: 1) meet requirements for the hardship exemption; and 2) the hardship exemption has been granted.

### 313.2 Counting Months of TCA

- A. When counting the number of months in which TCA was received, count any month in which:
  1. TCA was received in Maryland as an adult parent;
  2. TCA was received in another state as an adult parent; or
  3. The needs of the adult parent were removed from the TCA case due to a sanction, but the case remained open.
- B. When counting the number of months in which TCA was received, **do not** count any month in which the individual:
  1. Received TCA as a caretaker relative other than a parent and did not have a child(ren) of their own on the TCA case;
  2. Was a minor child (under age 18);
  3. Was an 18 or 19-year-old full-time student who was considered a child on the grant, as long as the minor was not:
    - a. Head of household, or
    - b. Married to the head of household;
  4. Received counseling or services as part of the plan to overcome barriers to independence caused by domestic or family violence:
    - a. Includes any month in which an adult or child in the family receives counseling because of family violence, and
    - b. Such services must be verified;

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5. Was living on an Indian reservation or Alaskan native village with a 50% unemployment rate;
6. Had countable earned income on or after July 1, 1999; or
7. Was considered a long-term disabled TCA recipient and received state funded TCA prior to October 1, 2015.
8. Any month in which the TCA case was closed for any reason, including a sanction;

**Note:** A month is countable if the needs of an adult parent are removed because of a sanction as long as all other conditions of eligibility are met.

- C. Months of receipt of assistance accrue individually for the head-of-household and the spouse. However, since the time limit is imposed on a family as a whole, once one parent reaches the 60-month time limit, even if the other parent has not, the entire family becomes ineligible for federally-funded TANF assistance **unless a hardship exemption has been granted.**

### **313.3 Case Manager's Responsibility Prior to 60 Months**

#### **A. Adults Receiving 42-48 Countable Months of TCA**

1. When an adult in the assistance unit has received TCA for 42-48 countable months, the case manager must work with the customer to identify and address any barriers that would cause the customer to continue needing TCA beyond 60 months.
  - a. A notice must be sent to the customer requesting an interview. This interview is to be completed during months 42-48.
  - b. This review may be completed during redetermination if the household redetermination is within six months of the 48th countable month.
2. During the interview, the case manager and customer must review the most current Assessment on file no later than the end of month 49. It must be updated to reflect any changes in the household's circumstances as needed. If updated, the Assessment must be signed by the case manager and all adult customers and dated (see Section 204 of the TCA Manual for Assessment requirements).
3. The case manager and customer must review the most current Family Independence Plan (FIP) on file and update it no later than the end of month 49 (see Section 205 of the TCA Manual for specific FIP requirements). As part of the FIP review:

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- a. The case manager must review the activities and other actions the customer is expected to complete and then update the plan to reflect any activities that have been completed.
  - b. For any activities not completed, the case manager and the customer must identify new dates by which those activities will be completed if those activities are still pertinent.
  - c. The case manager must also work with the customer to identify current barriers and any additional activities that need to be completed along with due dates.
4. The resulting FIP must be signed by the case manager and all adult customers and retained as a part of the case record.
  - a. In the event that no changes are needed, the FIP must be signed by all adult customers and the case manager with the current date.
  - b. If no changes are needed and the FIP is less than 30 days old, a new plan does not need to be signed.
5. Input system narration stating the Assessment and FIP were reviewed, updated, and signed.
6. All documents are to be attached to the case record (uploaded into ECMS).

**B. Adults Receiving 58 Countable Months of TCA**

1. When an adult in the assistance unit has received TCA for 58 countable months, the case manager must issue a notice to the household instructing them to complete a face-to-face interview within 30 days of the notice.

**313.4 Adults Who Have Received 59-60 Countable Months of TCA**

- A. During the 59-60 countable month, the case manager and household must complete the last face-to-face interview of the 60-month counter.
  1. If the household fails to complete their interview, the case manager must implement the case closure process, which includes issuing a notice of adverse action.

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B. When an adult customer has received TCA benefits for 59-60 countable months, the case manager must determine if the customer meets the requirements for the hardship exemption during the interview.

C. Grant the family a hardship exemption when:

1. The customer has been unable to obtain or retain employment due to circumstances beyond his or her control, and despite valid attempts to do so. Examples of such circumstances include, but are not limited to:
  - a. medical conditions of the customer, spouse or other dependent household member;
  - b. experiencing mental health or substance use issues;
  - c. homelessness or at imminent risk of homelessness;
  - d. domestic violence;
  - e. significant transportation barriers;
  - f. childcare barriers;
  - g. lack of education, skills, and job training; and
  - h. criminal history.
2. There is an initial and current Assessment which includes a customer statement as to the reason for the continued reliance on TCA. (See Section 204 of the TCA Manual for specific Assessment requirements.)

**Note:** The lack of an initial Assessment does not preclude a customer from receiving a Hardship Exemption.

3. There is a FIP formulated by the customer and the case manager which states (see Section 205 of the TCA Manual for specific FIP requirements):
  - a. The activities and other actions that customer is expected to complete;
  - b. The date by which all activities and other actions must be completed and,
  - c. Supportive services the local department is expected to provide to the family.
4. Documentation in the case record shows the customer has:
  - a. Justification Type 1:
    - i. Been offered or provided supportive services by the local department as stated in the state plan.
    - ii. Demonstrated a good faith effort to participate in work activities that may include finding and keeping a job; and
    - iii. Experienced significant barriers beyond the customer's control that prevented finding and keeping a job.

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--OR--

- b. Justification Type 2: The local department did not offer or provide the supportive services stated in the Independence Plan.

**D. Hardship Exemption Recommendation**

A hardship exemption recommendation must include:

1. A completed Hardship Exemption Form signed by all necessary parties.
2. Narration on whether a hardship exemption should be granted and the reasons hardship exemption should or should not be granted.
3. A determination of whether the local department made the supportive services available to the customer as specified in the FIP.

**Note:** Hardship should be granted if the local department did not make the agreed upon supportive services in the FIP available to the customer, or the supportive services provided did not remove the barrier.

**E. The hardship exemption recommendation must be reviewed and signed by:**

1. A Family Investment Program Supervisor; and
2. The Director of the local department or his or her designee.

**F. Within 6 months, at a minimum, from the date the exemption is granted and every 6 months, at a minimum, thereafter:**

1. A new Assessment must be completed and uploaded. (See TCA Manual Section 204 for specific assessment requirements); and
2. A new signed and dated FIP that addresses the barriers included in the most recent Assessment must be completed (See TCA Manual Section 205 for specific FIP requirements).
3. All documents must be attached to the case record (uploaded into ECMS).

### **313.6 Verification**

- A. Appropriate verification must be obtained to document the barrier(s) being used to justify the hardship exemption. For example, in addition to the FIP and Assessment, a completed medical form and application for SSI are required for customers reporting a long-term disability.

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- B. Ensure proof of benefits from other states where the family received cash assistance are contained within the case file. If appropriate verification was not obtained at application, or cannot be located at the time the hardship is granted, the case manager must obtain the verification.

### **313.7 Sanctions**

- A. Do not count toward the 60-month time limit any months in which the customer's TCA case was closed while a sanction was being cured.
- B. When a case has been closed due to a sanction, the hardship exemption also ends.
- C. All of the requirements outlined in this section must be met in addition to the sanction being cured before a new hardship exemption can be granted.
- D. TCA cases closed due to a sanction should be closed with the appropriate system code regardless of whether the customer currently has a hardship exemption. (See Section 1003 for more information on sanctions.)

### **313.8 Requirements After a Hardship Exemption is Granted**

- A. Once a hardship exemption is granted, the case manager must ensure the customer remains compliant with all TCA requirements and must ensure:
  - 1. The Assessment is reviewed and updated every 6 months at a minimum.
  - 2. The FIP is reviewed and updated every 6 months at a minimum. If the completion dates listed in the FIP occur before the 6 month period ends and it is possible that the customer no longer has a hardship, the case manager must review the FIP with the customer prior to the end of the 6 months (see Section 205 of the TCA Manual for specific FIP requirements).

**Note:** The LDSS should ensure no undue burden is placed on the customer and should consider accommodations, such as phone appointments when needed to assist customers with remaining compliant.

- B. If it is determined that a customer no longer meets requirements for a hardship exemption, the case manager should close the TCA case and end the hardship exemption as outlined in Section 313.9, below.

### **313.9 Case Closures Following Hardship Exemption**

- A. Noncompliance

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If a customer has been granted a hardship exemption and subsequently becomes noncompliant with a program requirement, conciliation should be offered and the case should be closed as appropriate. If and when the customer reapplies for TCA or initiates the TCA sanction cure process, the case manager must evaluate the customer for a new hardship exemption using the policies outlined in this section of the manual. This includes failure to attend a scheduled appointment to review the Assessment and FIP. A new Hardship Exemption form must be completed and signed if a hardship exemption will end.

**B. Hardship exemption has ended:**

If a customer has been granted a hardship exemption, and a subsequent review of the FIP and Assessment indicate the customer no longer merits a hardship exemption, the case should be closed allowing for adverse action. The following steps must be taken BEFORE the case is closed:

1. The case manager must complete the Hardship Exemption Form outlining the recommendation for the hardship to end.
2. The case manager must attach an updated Assessment and FIP to the Hardship Exemption Form showing that the customer no longer meets requirements for the hardship exemption.
3. A new Hardship Exemption Form must be reviewed and signed by an FIA program supervisor and the local director or his or her designee.
4. Upon closure of the TCA case, the case manager must provide the customer with a referral to services. The local director is responsible for ensuring that the referral is provided to the household.

**313.10 Decision Not to Grant Hardship Exemption**

- A. If the case manager, in consultation with the FIA program supervisor and the director of the local department or his or her designee, determines that a customer will not be granted a TCA hardship exemption, the TCA case must be closed at the end of the 60th month allowing for adverse action, or denied if pending.
- B. If a case will be denied or closed because the hardship exemption is not being granted, the Hardship Exemption Form must be completed and signed by all necessary parties.

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C. If the case is closing or being denied because the hardship exemption has ended due to noncompliance with the FIP, the case manager must use the following CARES worker entered closing codes:

- Code 510

You have received the maximum number of TCA payments and cannot get more because you did not do the things you agreed to in your Family Independence Plans.

- Code 511

You have received the maximum number of cash payments in Maryland and in another state and cannot get more because you did not do the things you agreed to in your Family Independence Plans.

**Note:** Case managers must add case-specific text to the appropriate CARES notice so that the customer is made aware of the reason for the sanction or closing.

D. Families are not given a hardship exemption when:

1. They have received updated assessments; and
2. Have not complied with the agreed upon supportive services available to the family.

### **313.11 Case Management Tips**

- A. CARES automatically starts and stops the time limit counter based on information the case manager enters in the system.
- B. If the individual has received TANF benefits in other states.
  1. The case manager must always call the other state to verify TANF benefits.
  2. The supervisor must manually correct the counter prior to finalization.
- C. It is important to code CARES correctly for mandatory federal reporting.

### **Examples**

1. Mrs. Calvert received TCA off and on for 60 countable months. Mrs. Calvert worked in the past, but is now unable to find a job. The major employer in the area has gone out of business and other jobs that she could qualify for are very hard to find. Mrs. Calvert is in a training program to improve her marketable skills as specified in her Family Independence Plan.



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- The case manager must:
    - Review Mrs. Calvert's circumstances to see if she qualifies for a hardship exemption.
    - Document that the requirements of the FIP were met by Mrs. Calvert and the local department.
    - Complete the Hardship Exemption Form, which documents Mrs. Calvert's hardship exemption review.
    - Complete a new assessment of Mrs. Calvert's skills, educational level, job readiness and areas of interest.
  - The case manager and Mrs. Calvert develop a new FIP that states how she will overcome her barriers to employment and how the local department will support her efforts.
  - The new FIP and Hardship Exemption Form are approved by the supervisor and the local department director.
  - The exemption needs to be reviewed every 6 months at minimum.
2. Nancy Newton originally applied for assistance in January 2009. She received TCA benefits for 24 months and then began working part-time. The job began in February 2011 with countable earnings beginning in March and ending in April 2012. Nancy Newton returned to school to study computers while receiving a TCA benefit. She is currently looking for a job.
- Nancy Newton has now received assistance for a total of 72 months, January 2009 to January 2015.
  - The months from March 2011 to April 2012 (13 months) are excluded from the 60-month time limit because she had earned income.
  - Nancy Newton currently is eligible for one more countable month of benefits and should be scheduled for an Assessment and new FIP for a possible hardship exemption.
3. In 2009, Fanny Flipper received TANF in Arkansas on her mother's grant for three years and then, when she turned 18, she received TANF for herself and her son for 15 months while she went to school. She married upon graduating and moved to Texas where she had two more children. The family received TANF for 24 months in Texas. Ms. Flipper then moved to Colorado with her children and received TANF there for 10 months and

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then moved to Maryland. After receiving TCA for six months and missing court dates for child support and work program appointments, Ms. Flipper states that she is afraid to go out because her husband has been very abusive and she thinks he may have followed her to Maryland. The family violence expert immediately begins a plan with the family.

- Ms. Flipper has 55 countable months.
  - The counter has stopped because Ms. Flipper began working on a plan to overcome the effects of family violence. Although she and the children were victims during much of the time she was on assistance, she did not seek help, so those months cannot be excluded.
4. Mr. and Mrs. Bradley and their children have received TCA for 60 months as of May 2019. Mrs. Bradley was sanctioned twice in 2016 for non-cooperation with work requirements. Since then, they have participated in the activities outlined in their Family Independence Plan and the local department has and is providing services to help the family while they have been residing in a homeless shelter for the past 30 days. The Bradley family is given a hardship exemption.
  5. Ms. Milton and her two children have received TCA for 60 months as of March 2019. Ms. Milton was sanctioned once in 2009, once in 2010 and once in 2011 for not cooperating with work requirements. Since her last sanction, the customer has participated in the required activities that she and her case manager agreed to in her Family Independence Plan. The local department has made several types of services available to her. The Miltons are given a hardship exemption.